UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 3:13-CR-106-FDW-DSC

UNITED STATES OF AMERICA,	)	
	)	
	)	
vs.	)	
	)	ORDER
	)	
CHARLES KEVIN BRIDGES,	)	
	)	
Defendant.	)	
	)	

THIS MATTER is before the Court on Defendant's Renewed Motion for Compassionate Release (Doc. No. 122). The record before the Court raises a question as to whether Defendant has exhausted his administrative remedies, and Defendant has urged this Court to waive the requirement. (Doc. No. 127). Recently, the Fourth Circuit noted, "Courts are split over the question of whether, and under what circumstances, a court may waive § 3582(c)(1)(A)'s exhaustion requirement." United States v. Kibble, 992 F.3d 326, 330 n.2 (4th Cir. 2021) (noting "That issue does not arise here . . . ."); see also Ross v. Blake, 136 S. Ct. 1850, 1857 (2016) (considering exhaustion of administrative remedies requirement under Prison Litigation Reform Act of 1995 and holding that "mandatory exhaustion statutes . . . establish mandatory exhaustion regimes, foreclosing judicial discretion"). Here, the statute unequivocally states that a defendant may file a motion "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility . . . ." 18 U.S.C. § 3582(c)(1(A).

The Court declines Defendant's invitation to waive the exhaustion requirement, particularly where the Government objects and where Defendant indicates that he again requested administrative relief with the warden at FMC Devens on August 30, 2021.

IT IS THEREFORE ORDERED that Defendant shall update the Court with the status of his request to the warden of his facility after the expiration of thirty days from his request and no later than October 15, 2021, so that the Court may consider the merits of the pending motion.

IT IS SO ORDERED.

Signed: September 20, 2021

Frank D. Whitney
United States District Judge